

# **WORKERS' COMPENSATION INDUSTRIAL COUNCIL**

**December 10, 2020**

Minutes of the meeting of the Workers' Compensation Industrial Council held virtually via Zoom and in person on Thursday, December 10, 2020, at 1:00 p.m., Offices of the West Virginia Insurance Commissioner, 900 Pennsylvania Avenue, 10<sup>th</sup> Floor Conference Room, Charleston, West Virginia.

Industrial Council Members Present:

Kim Shin – via Zoom  
Anna Dailey – via Zoom  
Bengy Swanson – via Zoom  
Patrick Smith – via Zoom  
Jeff Mullins – via Zoom  
Del. Mick Bates, Legislative Member – via Zoom  
James A. Dodrill, Insurance Commissioner/Nonvoting Member – appeared in person

## **1. Call to Order**

Commissioner James A. Dodrill called the meeting to order at 1:00 p.m.

## **2. Approval of Minutes**

Commissioner Dodrill asked for a motion to approve the October 22, 2020 minutes.

Anna Dailey made the motion to approve the October 22, 2020 minutes. The motion was seconded by Patrick Smith and passed unanimously.

## **3. Office of Judges' Report – Bradley Crouser, Chief Administrative Law Judge**

Chief Judge Bradley Crouser presented the Offices of Judges' Report. Chief Judge Crouser reminded everyone that OoJ Deputy Chief Administrative Law Judge Alan Drescher will be retiring at the end of this year. Chief Judge Crouser also advised that he will be leaving the Office of Judges to fill his newly appointed position at the Workers' Compensation Board of Review, effective January 1, 2021. He advised that the Governor has appointed Ted White as the Chief ALJ of OoJ, to fill the unexpired term ending December 31, 2023, effective January 1, 2021. Following the report, there were no questions from the Council members.

**4. General Public Comments**

There were no speakers and no comments. No one from the public attended.

**5. Old Business**

Melinda Kiss, OIC Assistant Commissioner of Finance, presented and discussed the Annual Audit. Following the presentation, Ms. Kiss took questions from the Council members.

Election of Chairperson, Vice Chairperson and Secretary were also discussed, and it was decided that the voting members would discuss the election of officers among themselves and present their decision during the next Industrial Council meeting.

**6. New Business**

- New Industrial Council Member Appointment – Jeff Mullins, effective 12/4/2020; replacing former member, Michael Keener. Term ending 6/30/2021.
- Delegate Mick Bates inquired as to whether or not there would be any legislative matters for the OIC, in terms of Workers' Compensation, that is necessary moving into the upcoming session. Commissioner Dodrill advised, at this point in time, the OIC had not finalized a legislative agenda in regard to Workers' Compensation.

**7. Next Meeting**

The next meeting is to be determined and decided on after today's meeting.

**8. Executive Session**

Commissioner Dodrill: The next item on the agenda is an Executive Session to discuss confidential matters related to self-insured employers.

These matters involve discussion of confidential information that meets exceptions under the *West Virginia Public Meetings Act*, and also involves matters that are exempted from

disclosure under the *West Virginia Freedom of Information Act*. Therefore, it is appropriate that the discussions take place in Executive Session under the provisions of West Virginia Code §6-9A-4.

If there is any action taken regarding these specific matters it will be done upon reconvening of the public session. Is there a motion to go into Executive Session?

Anna Dailey made the motion to go into Executive Session. The motion was seconded by Patrick Smith and passed unanimously.

The Industrial Council went into Executive Session to discuss self-insured matters.

Angela Shepherd, Director, Workers' Compensation Self-Insurance, presented the self-insured matters.

Commissioner Dodrill called the Industrial Council meeting back to order for the regular public session.

The Council took no formal action during the Executive Session with regards to the pending litigation.

Commissioner Dodrill entertained a motion to approve the list of self-insured renewals that have been presented to the Council. Commissioner also requested that the Council designate a member to sign off on the Resolution to recertify the self-insured companies presented, due to the Council being without a Chairperson at this time.

Member, Patrick Smith, recused himself and abstained from the vote, due to a conflict of interest pertaining to a certain self-insured applicant.

Anna Dailey moved to accept the motion to approve the list.

The motion was seconded by Bengy Swanson and passed unanimously.

## **9. Adjourn**

There being no further business, Commissioner Dodrill asked for a motion to adjourn. Anna Dailey made the motion to adjourn the meeting. The motion was seconded by Bengy Swanson and passed unanimously.